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Intellectual Property Administration
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EXAMINER

LEE, PHILIP C

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2152

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Technology Center 2100

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/746,365
Filing Date: December 21, 2000
Appellant(s): DECIME, JERRY B.

Jerry B. Decime
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 09, 2006 appealing from the Office action mailed October 21, 2005.

(1) *Real Party in Interest*

A statement identifying by name the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) *Status of Claims*

The statement of the status of claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on September 26, 2005 has been entered.

(5) *Summary of Claimed Subject Matter*

The summary of claimed subject matter contained in the brief is correct.

(6) *Grounds of Rejection to be Reviewed on Appeal*

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The appellant's statement of the grounds of rejection to be reviewed on appeal is correct, however, the grouping of the claims has changed to correct the inconsistencies of the grounds of rejection. It is clear from the office action mailed on 8/12/05, the dependency of claims 11-12, 16-17, 20-21 and 23-25 should have been grouped with the rejection of Newsbytes/WorldTrade/Newswire in view of Mowbray and further in view of Ayyadurai. It is apparent that this informality is a typographical error.

The following grounds of rejection are to be reviewed on appeal:

Claims 1-8, 10-14, 16-18, and 20-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 5, 6 and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Novell's Breakthrough Language Identifier, Newsbytes, August 1997, hereafter "Newsbytes" / or Support your e-commerce with an e-center, World Trade v13n7, pp 66-68, July 2000, hereinafter "WorldTrade" or Talisma Enterprise's Multiple language Capabilities Enable Companies to Build Strong Global Customer relationship, PR Newswire, August 2000, hereinafter "Newswire" in view of Mowbray (EP 1024447X).

Claims 2-4, 7, 8, 10-14, 16-18, 20-21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newsbytes/WorldTrade/Newswire in view of Mowbray and further in view of Ayyadurai, U.S. Patent 6,718,367 (hereinafter Ayyadurai).

The reference of "Once Service Center, Platform to handle Internet Customer Service, Business Wire, November 1999" (hereinafter BusinessWire) has been removed from the rejections of claims on appeal and the Evidence Relied Upon section.

(7) *Claims Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) *Evidence Relied Upon*

EP1024447	Mowbray	8-2000
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6,718,367	Ayyadurai	4-2004
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Ponfoort, O. "Support your e-commerce with an e-center" World Trade, v13n7 (Jul 2000), pp. 66-68

"Novell's Breakthrough Language Identifier" Newsbytes, no. pNEW08040047, Aug. 4, 1997

"Talisma Enterprise's Multiple Language Capabilities Enable Companies to Build Strong Global Customer Relationships" PR Newswire, Aug. 10, 2000

(9) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC 112

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1. Claims 1-8, 10-14, 16-18, and 20-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Claims 1-8, 10-14, 16-18, and 20-25 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed 5/23/2005. In that paper, applicant has stated "applicant's methods and apparatuses infer the language of received email messages from the language in which the web-sites that received the email messages are written", and this statement indicates that the invention is different from what is defined in the claim(s) because all the claims cite only a web-site which does require to infer or determine its language. A web site usually is written with a specific language, and emails written from the web site are written using the same language. It is obvious that if a customer writes an email with a language different from the web-site language, it will be appended with a meta-tag that refer to the web-site language "a wrong one"

Claim Rejections - 35 USC 103

3. Claims 1, 5, 6 and 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Novell's Breakthrough Language Identifier, Newsbytes, August 1997, hereafter "Newsbytes" / or Support your e-commerce with an e-center, World Trade v13n7, pp 66-68, July 2000, hereinafter "WorldTrade" or Talisma Enterprise's Multiple language Capabilities Enable Companies to Build

Strong Global Customer relationship, PR Newswire, August 2000, hereinafter "Newswire" in view of Mowbray (EP 1024447X).

4. Mowbray (EP 1024447M) is cited by the examiner in a previous office action.

5. As to claim 1, Newsbytes/ or WorldTrade/ or Newswire disclose the invention substantially as claimed including an e-mail sorting and routing system, the system comprising: a web server (web-site inherently comprised web server) for providing a web-site at which clients generate e-mail messages to a host organization, the web server being configured to determine the language in which the web-site is written (i.e. determining the language of email, since the emails written from the web-site are written using the same language)(Newsbytes, paragraphs 1-4, WorldTrade, abstract, paragraphs under "New Challenges, New Skills" and Newswire, page 1, under "Text", lines 3-29; page 1, under "Text", line 47-page 2, line 6); and

a response server (web-site for sorting email inherently comprised a server) configured to sort the email messages by language (Newsbytes, paragraphs 1-4, WorldTrade, abstract, paragraphs under "New Challenges, New Skills" and Newswire, page 1, under "Text", lines 3-29; page 1, under "Text", line 47-page 2, line 6).

6. Although, Newsbytes/ or WorldTrade/ or Newswire disclose identifies the web-site language and sorts e-mail messages by language (Newsbytes, paragraphs 1-4, WorldTrade, abstract, paragraphs under "New Challenges, New Skills" and Newswire, page 1, under "Text", lines 3-29; page 1, under "Text", line 47-page 2, line 6), however, Newsbytes/ or WorldTrade/ or Newswire do not disclose sorting through reference to the appended meta-tags. On the other

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hand, Mowbray discloses an e-mail sorting and routing system comprising: a web server (col. 5, paragraph 24) being configured to append a meta-tag to each e-mail message (col. 8, paragraph 41; and being configured to sort the e-mail message through reference to the appended meta-tags (col. 10, paragraph 48).

7. It would have been obvious to one skilled in the art at the time of the invention was made to combine the teachings of Newsbytes/ or WorldTrade/ or Newswire and Mowbray because Mowbray's teaching of sorting e-mail message through reference to the appended meta-tags would enhance Newsbytes'/ or WorldTrade's/ or Newswire's sorting and routing mechanism by providing similar type of e-mails to be sorted based on the appended meta-tags and routed to agents that best able to deal with the type of e-mails

8. As per claim 5, it is inherent in Newsbytes/ or WorldTrade/ or Newswire disclosure that a plurality of language-specific mail boxes are used into which said e-mail messages are sorted according to language (Newsbytes, paragraphs 1-4, WorldTrade, abstract, paragraphs under "New Challenges, New Skills" and Newswire, page 1, under "Text", lines 3-29; page 1, under "Text", line 47-page 2, line 6).

9. As per claim 6, although, Newsbytes/ WorldTrade/ Newswire and Mowbray discloses a plurality of topic-specific mail boxes into which the e-mail messages are sorted according to topic (see Mowbray, col. 1, paragraph 6) and a plurality of language-specific mail boxes (see rejection for claim 5 above), however, Newsbytes/ or WorldTrade/ or Newswire and Mowbray

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do not disclose topic-specific mail boxes being associated with language-specific mail boxes. It would have been obvious to one skilled in the art at the time of the invention that combining the teachings of Newsbytes/ WorldTrade/ Newswire and Mowbray would result in each language-specific mail box being associated with a separate corresponding set of topic-specific mail boxes in order to insure faster and efficient processing and responding to the e-mail messages.

10. As per claim 22, Newsbytes/ or WorldTrade/ or Newswire and Mowbray do not necessarily disclose dedicating a web site in a particular language or sorting in different servers. However, it would have been obvious to one skilled in the art at the time of the invention that these arrangements are a matter of design choice and would not affect the basic sorting concept, specifically when these arrangements are included in software that may be integrated or divided according to design choice.

11. Claims 2-4, 7, 8, 10-14, 16-18, 20-21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newsbytes/WorldTrade/Newswire in view of Mowbray and further in view of Ayyadurai, U.S. Patent 6,718,367 (hereinafter Ayyadurai).

12. As per claims 8, 14 and 18, Newsbytes/or WorldTrade/or Newswire and Mowbray disclose the invention substantially as claimed comprising: sorting e-mail messages by language by: determining a language in which a web-site that receives the e-mail messages is written (i.e. determining the language of email, since the emails written from the web-site are written using the same language)(Newsbytes, paragraphs 1-4, WorldTrade, abstract, paragraphs under "New

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Challenges, New Skills” and Newswire, page 1, under “Text”, lines 3-29; page 1, under “Text”, line 47-page 2, line 6).

13. Although, Newsbytes/ or WorldTrade/ or Newswire disclose identifies the web-site language and sorts e-mail messages by language (Newsbytes, paragraphs 1-4, WorldTrade, abstract, paragraphs under “New Challenges, New Skills” and Newswire, page 1, under “Text”, lines 3-29; page 1, under “Text”, line 47-page 2, line 6), however, Newsbytes/ or WorldTrade/ or Newswire do not disclose sorting through reference to the appended meta-tags. On the other hand, Mowbray discloses a method comprising: appending a meta-tag to each e-mail message (col. 8, paragraph 41), and sorting the e-mail message through reference to the appended meta-tags (col. 10, paragraph 48); and

sorting the e-mail messages by topic by: determining a topic to which each e-mail message applies, appending a meta-tag to each e-mail message that identifies the topic (fig. 5; cols. 6-7, paragraph 31; col. 7, paragraphs 35-41), and sorting the messages through reference to the topic meta-tags (col. 10, paragraph 48).

14. It would have been obvious to one skilled in the art at the time of the invention was made to combine the teachings of Newsbytes/ or WorldTrade/ or Newswire and Mowbray because Mowbray’s teaching of sorting e-mail message through reference to the appended meta-tags would enhance Newsbytes’/ or WorldTrade’s/ or Newswire’s sorting and routing mechanism by providing similar type of e-mails to be sorted based on the appended meta-tags and routed to agents that best able to deal with the type of e-mails.

15. Newsbytes/or WorldTrade/or Newswire and Mowbray do not disclose e-mail message is sorted by language and subsequently sorted by topic. Ayyadurai, on the other hand, discloses tagging e-mail messages with general property category and sub-property (col. 4, lines 12-18) for the purpose of classifying and routing the e-mail messages.

16. It would have been obvious to one skilled in the art at the time of the invention was made to combine the teachings of Newsbytes/ or WorldTrade/ or Newswire, Mowbray and Ayyadurai in order to automate the sorting and classifying process based on language (general property category) and topic (sub-property).

17. As per claim 2, although, Newsbytes/or WorldTrade/or Newswire and Mowbray disclose determine a topic to which each e-mail message applies and to append a meta-tag to each e-mail message that identifies that topic (fig. 5; cols. 6-7, paragraph 31; col. 7, paragraphs 35-41) and to sort the e-mail messages through reference to the topic meta-tags (col. 10, paragraph 48), however, Newsbytes/or WorldTrade/or Newswire and Mowbray do not disclose e-mail message is sorted first by language and then by topic. Ayyadurai, on the other hand, discloses tagging e-mail messages with general property category and sub-property (col. 4, lines 12-18) for the purpose of classifying and routing the e-mail messages.

18. It would have been obvious to one skilled in the art at the time of the invention was made to combine the teachings of Newsbytes/ or WorldTrade/ or Newswire, Mowbray and Ayyadurai

in order to automate the sorting and classifying process based on language (general property category) and topic (sub-property).

19. As per claims 3, 4 and 10, Newsbytes/or WorldTrade/or Newswire and Mowbray disclose the invention substantially as claimed in claim 1 above. Newsbytes/or WorldTrade/or Newswire and Mowbray do not explicitly disclose a global mailbox. Ayyadurai discloses a global mail box to which all messages generated at said web-site or web-sites are sent for sorting (col. 1, lines 64-65), said global mail box operates according to Post Office Protocol (col. 4, lines 27-33).

20. It would have been obvious to one skilled in the art at the time of the invention was made to combine the teachings of Newsbytes/ or WorldTrade/ or Newswire, Mowbray and Ayyadurai for the same reason as claim 8 above.

21. As per claims 11, 16 and 20, Newsbytes/or WorldTrade/or Newswire, Mowbray and Ayyadurai disclose the invention substantially as claimed in claims 8, 14 and 18 above. It is inherent in Newsbytes/or WorldTrade/or Newswire disclosure that a plurality of language-specific mailboxes are used into which said e-mail messages are sorted according to language.

22. As per claims 12, 17 and 21, Newsbytes/or WorldTrade/or Newswire, Mowbray and Ayyadurai disclose the invention substantially as claimed in claims 11, 16 and 20 above.

Although, Newsbytes/ WorldTrade/ Newswire, Mowbray and Ayyadurai discloses a plurality of

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topic-specific mail boxes into which the e-mail messages are sorted according to topic (see Mowbray, col. 1, paragraph 6) and a plurality of language-specific mail boxes (see rejection for claim 5 above), however, Newsbytes/ or WorldTrade/ or Newswire and Mowbray do not disclose topic-specific mail boxes being associated with language-specific mail boxes. It would have been obvious to one skilled in the art at the time of the invention that combining the teachings of Newsbytes/ WorldTrade/ Newswire and Mowbray would result in each language-specific mail box being associated with a separate corresponding set of topic-specific mail boxes in order to insure faster and efficient processing and responding to the e-mail messages.

23. As per claims 7 and 13, Newsbytes/or WorldTrade/or Newswire and Mowbray disclose the invention substantially as claimed in claim 6 above. Although Newswire discloses wherein a user qualified as to language uses one of the interfaces to access messages (i.e. it is inherent that CSRs who are fluent in a specific language must have interfaces in order to provide access the messages (Newswire, page 1, under "Text", lines 3-29; page 1, under "Text", line 47-page 2, line 6), however, Newswire does not disclose a user qualified as to topic uses an interface to access messages. Ayyadurai disclose a plurality of agent user interfaces, each of which is associated with a specific mail box (e.g. topic), wherein a qualified user as to topic uses one of said interfaces to access messages in the associated topic-specific mail box (see Ayyadurai, col. 1, line 60-col. 2, line 14).

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24. It would have been obvious to one skilled in the art at the time of the invention was made to combine the teachings of Newsbytes/ or WorldTrade/ or Newswire, Mowbray and Ayyadurai for the same reason as claim 8 above.

25. As per claims 23-25, Newsbytes/or WorldTrade/or Newswire, Mowbray and Ayyadurai disclose the invention substantially as claimed in claims 2, 8 and 14 above. Newsbytes/ or WorldTrade/ or Newswire, Mowbray and Ayyadurai do not necessarily disclose dedicating a web site in a particular language or sorting in different servers. However, it would have been obvious to one skilled in the art at the time of the invention that these arrangements are a matter of design choice and would not affect the basic sorting concept, specifically when these arrangements are included in software that may be integrated or divided according to design choice.

(10) Response to Argument

The examiner summarizes the various points raised by the appellant and addresses replies individually.

Appellant argued that:

- (1) 112 2nd rejection is improper because the claims are unambiguous and not duplicative.

- (2) none of the Newsbytes, WorldTrade, and Newswire articles teach determining a language in which an e-mail message is written by determining the language of a web site with which the e-mail message was generated.
- (3) Newsbytes, WorldTrade, and Newswire do not teach a web server or a response server.
- (4) Examiner does not explain how Newsbytes, WorldTrade, or Newswire teach the limitations: “determining the language in which the web-site is written, appending a meta-tag to each e-mail message that identifies that web-site language, and sorting the e-mail messages by language through reference to the appended meta-tags”
- (5) Claims 11, 12 and 24 are rejected without addressing the limitation of their base claim 8.
- (6) the rejection of claims 16, 17 and 25 is improper because Claims 16, 17 and 25 are rejected without addressing the limitation of their base claim 14.
- (7) the rejection of claims 20 and 21 is improper because Claims 20 and 21 are rejected without addressing the limitation of their base claim 18.
- (8) none of the references teach “subsequently sorting” an e-mail message including “appending a meta-tag to each e-mail message that identifies the topic”, and “sorting the messages through reference to the topic meta-tags”.

In reply to argument (1): it is unclear why the invention “determines the language in which the web-site is written” as claimed in claims 1-8, 10-14, 16-18 and 20-25 [i.e.

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does the invention infer the language of received email messages from the language in which the web-sites that received the email messages are written?]. Claims 1-8, 10-14, 16-18, and 20-25 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention. Evidence that claims fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed 5/23/2005. In that paper, applicant has stated "applicant's methods and apparatuses infer the language of received email messages from the language in which the web-sites that received the email messages are written", and this statement indicates that the invention is different from what is defined in the claim(s) because all the claims cite only a web-site which does require to infer or determine its language. A web site usually is written with a specific language, and emails written from the web site are written using the same language. It is obvious that if a customer writes an email with a language different from the web-site language, it will be appended with a meta-tag that refer to the web-site language "a wrong one"

In reply to argument (2): In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., determining a language in which an e-mail message is written by determining the language of a web-site with which the e-mail message was generated) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims only recite "determining a language in which a web-site that receives the e-mail messages is written"

In reply to argument (3): Newsbytes discloses Novell Collexion language identifier that can identify the language of internet web sites. The language identifier can rank messages, query hits and attached documents according to the user's language preferences. This offers a valuable filter for any Internet/intranet application, especially Internet search engines and information retrieval systems. This means Internet search engine and information retrieval systems is inherently implemented on a web server that provides the Internet search engine web site (e.g. Google web site). Since a web site with the language identifier can perform the function of sorting (rank) email messages by language, the web site that is implemented on a web server can also consider as a "response server" (Newsbytes, paragraphs 1-4). WorldTrade discloses email management system or EMS used in web-enabled call center (e-center). It is inherent that EMS must be installed on a server of the web-enabled call center (i.e. web server). Since a EMS inherently installed on a server of the call center can perform the function of sorting email messages by language, the server with the EMS can also consider as a "response server" (WorldTrade, abstract, paragraphs under "New Challenges, New Skills"). Newswire discloses Talisma's products and services provide management of email interaction and routing of emails on web sites. It is inherent that a web site with Talisma's products and services is provided by a web server. Also, the web site with Talisma's products and services performs the function of a "response server" as claimed (Newswire, page 1, under "Text", lines 3-29; page 1, under "Text", line 47-page 2, line 6).

In reply to argument (4): the office action mailed on 8/12/05 does not stated the limitations of “determining the language in which the web-site is written, appending a meta-tag to each e-mail message that identifies that web-site language, and sorting the e-mail messages by language through reference to the appended meta-tags” are disclose solely by Newsbytes /or WorldTrade/or Newswire. Instead, the office action stated the combination of Newsbytes /or WorldTrade/or Newswire in view of Mowbray disclose the invention substantially as claimed. Newsbytes/ or WorldTrade/ or Newswire disclose the invention substantially as claimed including an e-mail sorting and routing system, the system comprising: a web server (web-site inherently comprised web server) for providing a web-site at which clients generate e-mail messages to a host organization, the web server being configured to determine the language in which the web-site is written (i.e. determining the language of email, since the emails written from the web-site are written using the same language)(Newsbytes, paragraphs 1-4, WorldTrade, abstract, paragraphs under “New Challenges, New Skills” and Newswire, page 1, under “Text”, lines 3-29; page 1, under “Text”, line 47-page 2, line 6); and a response server (web-site for sorting email inherently comprised a server) configured to sort the email messages by language (Newsbytes, paragraphs 1-4, WorldTrade, abstract, paragraphs under “New Challenges, New Skills” and Newswire, page 1, under “Text”, lines 3-29; page 1, under “Text”, line 47-page 2, line 6).

Although, Newsbytes/ or WorldTrade/ or Newswire disclose identifies the web-site language and sorts e-mail messages by language (Newsbytes, paragraphs 1-4, WorldTrade, abstract, paragraphs under “New Challenges, New Skills” and Newswire,

page 1, under "Text", lines 3-29; page 1, under "Text", line 47-page 2, line 6), however, Newsbytes/ or WorldTrade/ or Newswire do not disclose sorting through reference to the appended meta-tags. On the other hand, Mowbray discloses an e-mail sorting and routing system comprising: a web server (col. 5, paragraph 24) being configured to append a meta-tag to each e-mail message (col. 8, paragraph 41; and being configured to sort the e-mail message through reference to the appended meta-tags (col. 10, paragraph 48).

It would have been obvious to one skilled in the art at the time of the invention was made to combine the teachings of Newsbytes/ or WorldTrade/ or Newswire and Mowbray because Mowbray's teaching of sorting e-mail message through reference to the appended meta-tags would enhance Newsbytes'/ or WorldTrade's/ or Newswire's sorting and routing mechanism by providing similar type of e-mails to be sorted based on the appended meta-tags and routed to agents that best able to deal with the type of e-mails.

In reply to arguments (5), (6) and (7): a new grouping of claims has been presented to correct the inconsistent of the rejection in the office action mailed on 8/12/05. The rejection of independent claims 8, 14 and 18 was rejected in the office action mailed 8/12/05, however, the heading for the grouping of the dependent claims 11-12, 16-17, 20-21 and 24-25 was incorrect. The new grouping of claims is under the heading: Claims 2-4, 7, 8, 10-14, 16-18, 20-21 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newsbytes/WorldTrade/Newswire in view of

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Mowbray and further in view of Ayyadurai, U.S. Patent 6,718,367 (hereinafter Ayyadurai).

In reply to argument (8): Mowbray discloses a method comprising: sorting the e-mail messages by topic by: determining a topic to which each e-mail message applies, appending a meta-tag to each e-mail message that identifies the topic (fig. 5; cols. 6-7, paragraph 31; col. 7, paragraphs 35-41), and sorting the messages through reference to the topic meta-tags (col. 10, paragraph 48).

Newsbytes/or WorldTrade/or Newswire and Mowbray do not disclose e-mail message is sorted by language and subsequently sorted by topic. Ayyadurai, on the other hand, discloses tagging e-mail messages with general property category and sub-property (col. 4, lines 12-18) for the purpose of classifying and routing the e-mail messages.

It would have been obvious to one skilled in the art at the time of the invention was made to combine the teachings of Newsbytes/ or WorldTrade/ or Newswire, Mowbray and Ayyadurai in order to automate the sorting and classifying process based on language (general property category) and topic (sub-property).

(11) *Related Proceeding(s) Appendix*

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(12) *Conclusion*

For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

Philip C. Lee

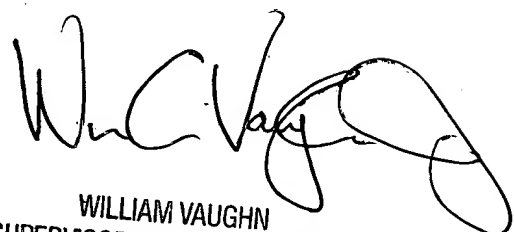
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P.L.

Conferees:



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